



## MEMORANDUM

**TO:** Parks and Recreation Board

**FROM:** Michael J. Heitz, AIA, Director  
Parks and Recreation Department

**DATE:** August 16, 1995

**SUBJECT:** Dick Nichols Park - Use Agreement  
Village at Western Oaks, 12" Wastewater Main

Carlson Engineering and Associates, on behalf of The Village of Western Oaks Municipal Utility District, is requesting approval of a Use Agreement to construct a 12" diameter gravity wastewater main through part of Dick Nichols Park.

This sewer line will provide gravity sewer service to the subdivision developments to the south of the park. The proposed sewer line will run along the eastern side of the park, parallel with MoPac, through a mainly undeveloped part of the park to connect into an existing City Wastewater Interceptor that is located along the northern boundary of the park.

About 900' of the alignment of the proposed sewer line has been selected to coincide with the proposed route of the continuation of the concrete hike and bike trail. The route of the trail was chosen to avoid as many trees as possible. The Village of Western Oaks MUD has agreed, as part of the restoration sewer project, to construct approximately 1,515' of the trail to make a continuous loop and two exercise stations.

The City of Austin's Water and Wastewater Utility has agreed to accept responsibility for the sewer line after construction is completed.

Attached is a letter from Carlson Engineering giving details of the project and the metes and bounds field notes and sketch.

**Recommendation**

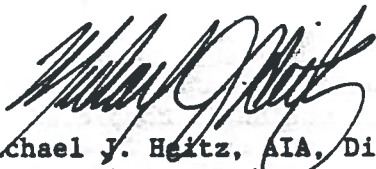
I recommend approval of the request for:

1. 25' wide x 2350' long permanent wastewater use agreement.
2. A parallel 25' wide temporary construction use agreement.
3. Approximately 23,000 square feet (0.52 ac.) temporary construction use agreement.

The above use agreements are subject to the following conditions:

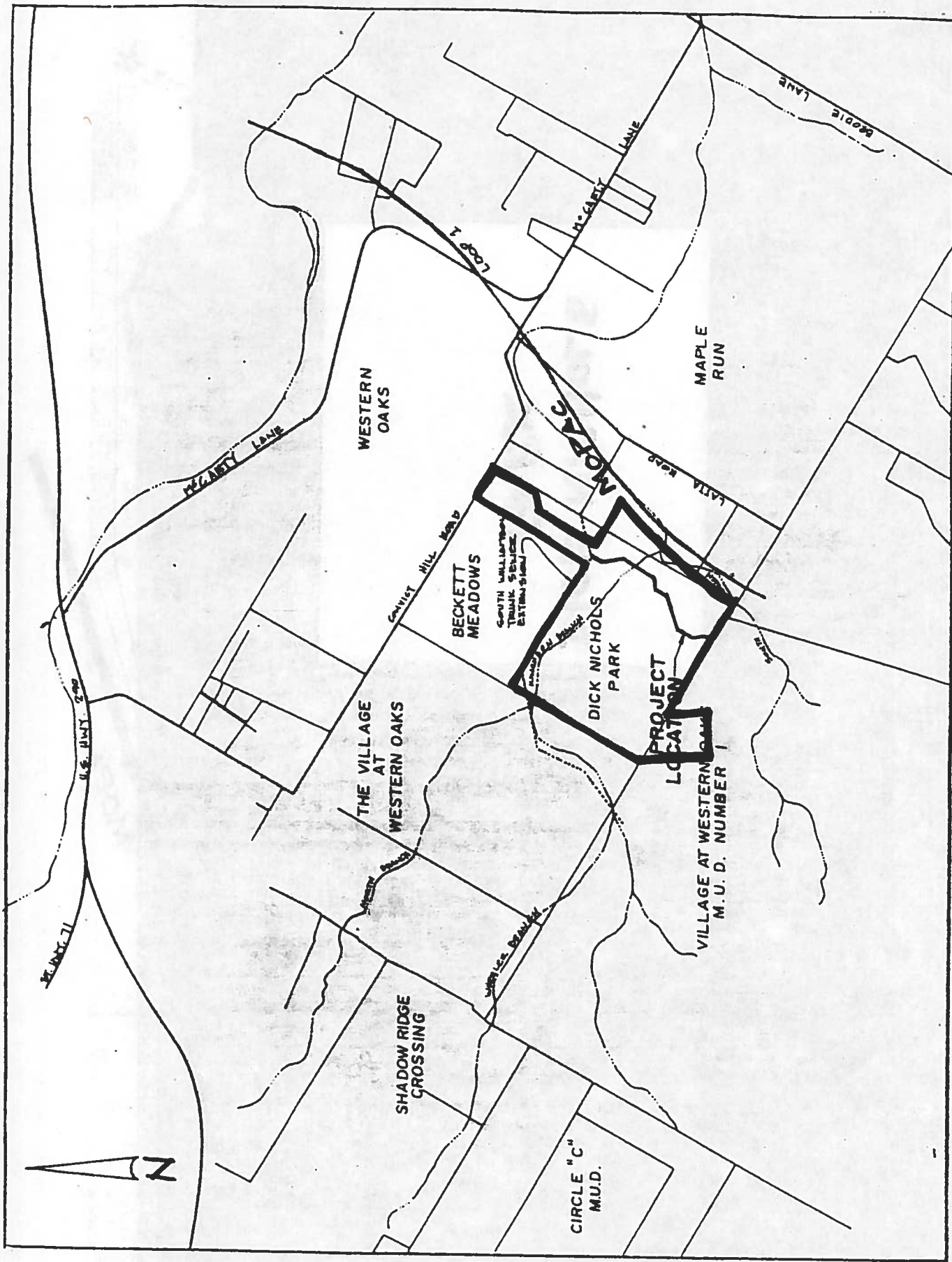
1. Restoration and revegetation shall be in accordance with the "Restoration Plan" included in the letter submitted by Carlson Engineering and Associates.
2. Construction, restoration and revegetation shall be carried out in accordance with the requirements of the "Construction in Parks Specifications", adopted by the Board, April 25, 1990, and the notes shown on the project drawings.
3. All restoration and revegetation shall be completed to the requirements and satisfaction of the Parks and Recreation Department.
4. The project drawings shall indicate all approved use agreements within the parkland. The Director of the Parks and Recreation Department shall approve and "sign-off" on the drawings after all use agreements have been approved and granted.

If I can provide you with any additional information, please let me know.



Michael J. Heitz, AIA, Director  
Parks and Recreation Department

MJH:pm



LOCATION MAP



DICK NICHOLS  
PARK

MOPAC





July 18, 1995

Mr. Mike Heitz, Director  
Parks and Recreation Department  
P.O. Box 1088  
Austin, Texas 78767

**RE: VILLAGE AT WESTERN OAKS - DICK NICHOL'S PARK WASTEWATER  
12" Gravity Wastewater Main  
CEA Job No. 3190**

Dear Mr. Heitz,

#### **INTRODUCTION**

The Village at Western Oaks Municipal Utility District is proposing to construct a new 12" Gravity Wastewater Main through the Dick Nichol's Park in Southwest Austin.

The Village at Western Oaks M.U.D. is a 650+/- acre district with approximately 1/3 of the district drainage area flowing to the northeast corner of the district, which is the southeast corner of Dick Nichol's Park. The M.U.D. is adjacent to the park on the south and west boundary, with MoPac right-of-way on the east and the Beckett Meadows located on the north boundary.

#### **PROJECT NEED AND JUSTIFICATION**

The City of Austin operates and maintains a 24" Gravity Wastewater Interceptor on the north boundary of Dick Nichol's Park parallel to Beckett Meadows. It is necessary for the M.U.D. District to construct from its Northeast corner to the existing 24" Interceptor. Option one was to construct the wastewater main in the MoPac right-of-way, but is prohibited by the Texas Highway Department under an agreement when the right-of-way was dedicated prohibiting underground utilities. The second option is to construct a lift station at the northwest corner and pump west along Davis Lane right-of-way to a point farther up to the City of Austin Interceptor. City of Austin Water and Wastewater Department prefers not to have lift stations due to chance of failure and operation, if at all possible.

#### **PROJECT DESCRIPTION AND SCHEDULE**

The proposed Wastewater pipeline is 2,350 linear feet of 12" Wastewater Main with 10 manholes and associated vent pipes. All of the improvements are to be located below ground except for manholes which shall be flush with natural ground. Approximately 900 linear feet of

the proposed pipeline is following the cleared area for the continuation of the easterly portion of the Dick Nichol's Park Hike and Bike Trail. Part of the restoration of the project will be the construction of approximately 1,515 linear feet of concrete Hike and Bike Trail and the two remaining exercise stations that will complete the Hike and Bike Trail in the park. The pipeline construction should be complete within 60 calendar days, Hike and Bike Trail an additional 30 days with revegetation and then 50 days for a total of 140 calendar days.

The project could start as soon as September, 1995, with completion including restoration by March, 1996. Upon completion of the project, the facilities will be given to the City of Austin for operation and maintenance.

### **SHORT TERM EFFECTS OF CONSTRUCTION**

Short term effects during construction should be minimal. The eastern portion of the park property is currently not in use since the Hike and Bike Trail has not been completed. All construction staging areas and access shall be at the southeast corner of the park. No construction equipment or access shall be allowing from the Beckett Road entrance.

### **LONG TERM EFFECTS OF CONSTRUCTION**

The only long term effect shall be the normal operation and maintenance of a gravity wastewater main, by the City of Austin Water and Wastewater Department.

### **RESTORATION PLAN**

During construction there will be a total of 44 trees lost to construction access requirements as shown on Exhibit "A". The total value of those trees as shown on Exhibit "A" is \$47,876.71.

Part of the restoration plan is to complete the unfinished Hike and Bike Trail for Dick Nichols Park. As shown on Exhibit "B" is the cost to complete the approximately 1,515 linear feet of concrete Hike and Bike Trail and the construction of the two remaining exercise stations, for a total estimated cost of \$89,750.00. This is the proposed compensation in lieu of tree restoration.

The vegetative ground cover for all disturbed areas will be reseeded with native grasses and wildflowers. Reseeding will be upon completion of the Hike and Bike Trail.

Should there be any questions, or if you need more information please give me a call at (512) 280-5160.

Sincerely,

**CARLSON ENGINEERING & ASSOCIATES, INC.**

Danny D. Doering  
Vice President

Attachments



# EXHIBIT "A"

## VILLAGE AT WESTERN OAKS / DICK NICHOLS PARK WASTEWATER INTERCEPTOR

### TREE REPLACEMENT CALCULATIONS

JULY 17, 1995  
CEA JOB NO. 3190

TREE DESCRIPTION	NUMBER OF EACH	CLASS	VALUE	CONDITION	CONDITION VALUE	LOCATION	SQUARE INCHES PER TREE	SQUARE INCHES TOTAL
6" LIVE OAK	1	I	1	21	0.8	0.70	15.83	15.83
7" LIVE OAK	2	I	1	21	0.8	0.70	21.55	43.10
8" LIVE OAK	15	I	1	21	0.8	0.70	28.15	422.25
9" LIVE OAK	3	I	1	21	0.8	0.70	35.62	106.86
10" LIVE OAK	9	I	1	21	0.8	0.70	43.98	395.82
12" LIVE OAK	2	I	1	21	0.8	0.70	63.33	126.66
10" ELM	1	I	1	21	0.8	0.70	43.98	43.98
12" ELM	1	I	1	21	0.8	0.70	63.33	63.33
10" CEDAR	2	III	0.5	21	0.8	0.70	21.99	43.98
12" CEDAR	6	III	0.5	21	0.8	0.70	31.67	190.02
14" CEDAR	1	III	0.5	21	0.8	0.70	43.10	43.10
15" CEDAR	1	III	0.5	21	0.8	0.70	49.48	49.48
TOTAL TREE REPLACEMENT								1,544.41

1,544.41 x 31.00/Square Inches = \$47,876.71

**EXHIBIT "B"**

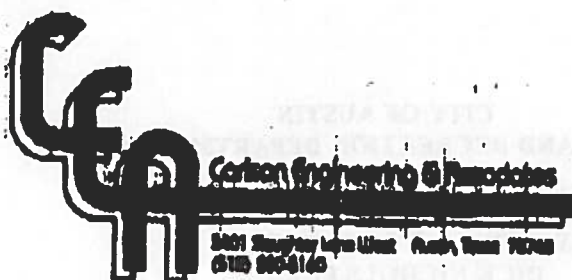
**VILLAGE AT WESTERN OAKS / DICK NICHOLS PARK  
WASTEWATER INTERCEPTOR**

**HIKE AND BIKE TRAIL  
ESTIMATE CONSTRUCTION COST**

**JULY 19, 1995  
CEA JOB NO. 3190**

<b>Description</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Total Price</b>
8' Wide Concrete Hike and Bike Trail	1,515 LF	\$50.00	\$75,750.00
Drainage Crossings	4 EA	\$1,500.00	\$6,000.00
Exercise Stations	2 EA	\$4,000.00	\$8,000.00
<b>TOTAL ESTIMATED COST</b>			<b>\$89,750.00</b>





August 3, 1995

Mr. Don Solberg  
City of Austin  
Water and Wastewater Department  
P.O. Box 1068  
Austin, Texas 78767

RE: **DICK NICHOLS PARK / VILLAGE AT WESTERN OAKS M.U.D.**  
**Wastewater Interceptor**  
**CEA Job No. 3190**

Dear Don:

This is to confirm that the City of Austin will maintain the gravity wastewater line that traverses Dick Nichols Park upon completion and acceptance of those facilities. The sewer line will be contained within an easement approved by the City of Austin.

The Village at Western Oaks M.U.D. No. 1 will have maintenance responsibility for that portion of the sewer line that falls within the M.U.D. boundary.

If you agree with this statement, please acknowledge below.

Sincerely,

**CARLSON ENGINEERING & ASSOCIATES, INC.**

Charles R. Brigrance, Jr., P.E.  
Vice President

Acknowledgment

  
Mr. Don Solberg

8-4-95

Date

**EXHIBIT "A"**

**CITY OF AUSTIN  
PARKS AND RECREATION DEPARTMENT  
TO  
WATER AND WASTEWATER DEPT.  
(WASTEWATER EASEMENT)  
DICK NICHOLS PARK  
VILLAGE AT WESTERN OAKS**

**FIELD NOTES**

FIELD NOTES FOR THE CENTERLINE OF A TWENTY-FIVE (25) FOOT WIDE STRIP OF LAND OUT OF AND A PART OF THE THOMAS ANDERSON SURVEY NO. 17, ABSTRACT 2, SITUATED IN TRAVIS COUNTY, TEXAS, SAME BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO THE CITY OF AUSTIN, FOUND OF RECORD AND DEDICATED AS DICK NICHOLS PARK IN VOLUME 7103, PAGE 1795 AND VOLUME 7104, PAGE 1845, TRAVIS COUNTY, TEXAS DEED RECORDS, SAID CENTERLINE BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point in the north line of Village at Western Oaks Section 19, a subdivision of record in Book 86, Pages 88D-89A, Travis County, Texas Plat Records, same point being the south line of said Dick Nichols Park tract, from which point, an iron pin found at the new west R.O.W. line of Mopac Expressway bears S62°01'37"E, 2.83 feet,

THENCE, with said centerline, the following ten (10) courses and distances numbered 1 through 10:

1. N00°04'11"W, 283.39 feet to a point,
2. N44°51'49"E, 252.51 feet to a point,
3. N54°55'31"E, 336.58 feet to a point,
4. N02°02'58"E, 151.20 feet to a point,
5. S87°37'58"E, 79.75 feet to a point,
6. N50°55'51"E, 131.70 feet to a point,
7. N39°05'52"E, 245.18 feet to a point,
8. N34°05'32"E, 329.21 feet to a point,
9. N01°51'16"W, 335.21 feet to a point,
10. N28°00'07"E, 199.31 feet to the POINT OF TERMINATION from which the southeast corner of Lot 31, Block "A", Beckett Meadows Section One, a subdivision of record in Book 84, Pages 132D-133A, of said Plat Records, same point being the most southerly corner of Lot 30, Block "A", of said Beckett Meadows bears N09°46'59"W, 8.61 feet.



TOGETHER WITH, A TEMPORARY CONSTRUCTION EASEMENT, BEING 25' IN WIDTH RUNNING PARALLEL AND ADJACENT TO THE WESTERLY SIDE OF THE PERMANENT EASEMENT AND A 210' X 300' X 335.21' TEMPORARY CONSTRUCTION EASEMENT. THESE TEMPORARY CONSTRUCTION EASEMENTS SHALL AUTOMATICALLY TERMINATE UPON ACCEPTANCE OF THE CONSTRUCTION BY THE CITY OF AUSTIN.

I, Thomas J. Dodd, a registered Professional Land Surveyor, do hereby certify that these field notes represent a survey made on the ground this date under my supervision and that all corners are as shown.

Dated this the 30<sup>TH</sup> day of May, 1995 A.D.

**SURVEYED BY:**

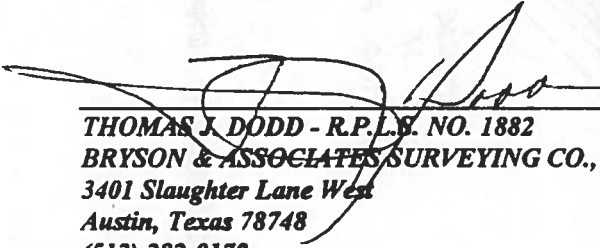
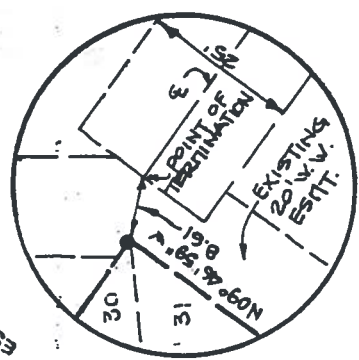
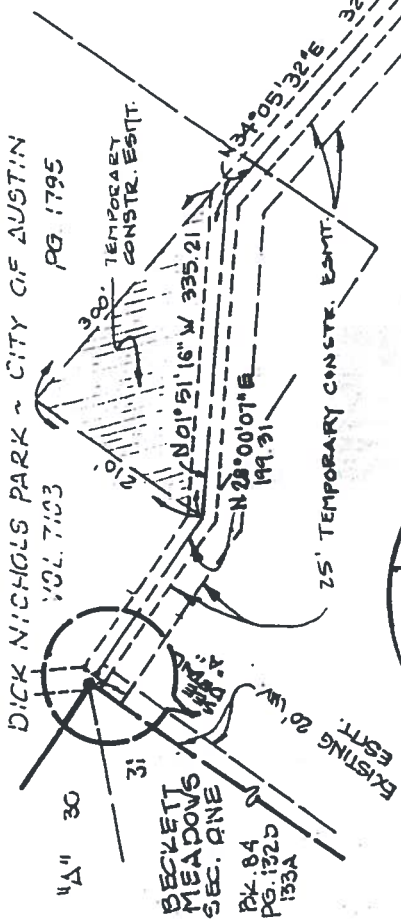
  
THOMAS J. DODD - R.P.L.S. NO. 1882  
BRYSON & ASSOCIATES SURVEYING CO., INC.  
3401 Slaughter Lane West  
Austin, Texas 78748  
(512) 282-0170

EXHIBIT "A-1"

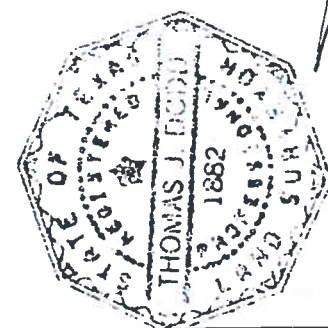
SKETCH TO ACCOMPANY FIELD NOTES FOR THE CENTERLINE OF A 25' WIDE STRIP OF LAND AND TWO TRACTS OF LAND CONTAINING 23,000 SQUARE FEET OF LAND OUT OF AND A PART OF THE THOMAS ANDERSON SURVEY NO. 17, ABST. NO. 2, SITUATED IN TRAVIS COUNTY, TEXAS.

SCALE: 1" = 200'

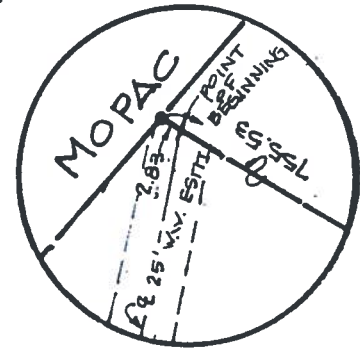
P.O.B - POINT OF BEGINNING  
• - IRON PIN FOUND



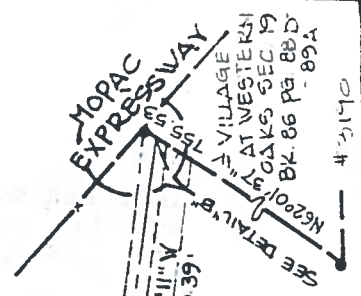
DICK NICHOLS PARK  
CITY OF AUSTIN  
VOL. 7104 PG. 1845



SURVEYED BY:  
THOMAS J. DODD - RPLS. NO. 1882  
BRYSON & ASSOCIATES SURVEYING CO., INC.  
3401 SLAUGHTER LAKE WEST  
AUSTIN, TEXAS, 78748  
(512) 282-0170



~ DETAIL "B" ~  
(NOT TO SCALE)







## MEMORANDUM

**TO:** Parks and Recreation Board

**FROM:** Michael J. Heitz, AIA, Director  
Parks and Recreation Department

**DATE:** August 17, 1995

**SUBJECT:** Advisory Association Guidelines and By-Laws

Attached are draft guidelines and by-laws for advisory associations that we have been working on for the past three years. This document has been developed with a Service Improvement Team, chaired by Jack Anderson, and contains input compiled from two well-attended staff meetings. In addition, it is being placed on the agenda for the next meeting of the Programs Committee. We have requested that the Programs Committee work with us to set up a public hearing to encourage public input on this document.

We appreciate your review of this document and look forward to your comments and suggestions.

Please let me know if you need additional information.

  
Michael J. Heitz, AIA, Director  
Parks and Recreation Department

DRAFT

DRAFT

## GENERAL GUIDELINES ADVISORY BOARDS AND ASSOCIATIONS-PARD

**1. FORM OF GOVERNMENT\*** - Austin uses the council-manager form of government, the most popular form of government in Texas home rule cities. Article I Section 2 of the Austin City Charter states that pursuant to the provisions of , and subject only to the limitations imposed by the state constitution, the state laws, and this Charter, all powers of the City shall be vested in and exercised by an elective Council. The Council shall enact legislation, adopt budgets, determine policies, and appoint the City Manager who shall execute the laws and administer the government of the City.

**2. ROLE OF COUNCIL\*** - The City Council is responsible for all aspects of a City's government and is the legislative and policy making body for the City. A close working relationship between the Council and the City's administrative staff is essential for the Council to carry out its role effectively. In Austin, the Council adopts and amends ordinances, approves licenses and permits, plans for capital improvements, approves all land transactions, hears zoning cases, sets fees and charges, may act as the rate-setting body for utilities (other than telephone), sells bonds, sets the tax rate, approves the annual budget, accepts federal and state aid, appoints boards and commissions, and acts as representative of the City. The Mayor and Council have the power to appoint and remove the City Clerk, City Auditor, Municipal Court Judges, and Municipal Court Clerk and the City Manager. The Mayor and Council appoint most boards and commissions, and the City Manager appoints administrative personnel.

**3. ROLE OF CITY MANAGER\*** - The City Manager is the Chief Executive Officer of the City with many duties, powers and responsibilities. In general, the job of the City Manager is to see that all laws and ordinances and all policy directives of the City Council are carried out. The Manager exercises control over the City's administration and appoints department heads and other top level employees of the City. The Manager makes budget and other recommendations to the City Council and advises the Council of the City's current conditions and future needs. The City's annual financial report and other reports required by the Council are prepared by the City Manager.

**4. ROLE OF PARD** - Under the direction of the City Manager, the Department plans, directs, and supervises the construction, operation, maintenance, and programming of municipal park, recreation, and cultural facilities. The Department administers and enforces City, State, and Department policies, regulations, and ordinances pertaining to parks, recreation, and culture; it hires, trains, supervises, and evaluates its employees engaged in the day to day operations of facilities and programs; it surveys and predicts trends in community needs for parks, recreation, and cultural systems and develops annual and long-range departmental plans and objectives to meet those needs; it projects and prepares annual operational budgets for City Council approval; it implements department policies and procedures for the implementation of the above activities; it works closely with City Council appointed Boards and Commissions and "Officially Recognized" advisory associations (see #12 Guidelines) and boards in the undertaking of these duties.

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\* From an Orientation Handbook for Board, Commission, Committee and Task Force Members adopted by Austin City Council on May 23, 1991.



**5. ROLE OF OTHER BOARDS AND COMMISSIONS\* (COUNCIL APPOINTED)** - The Mayor and City Council make appointments to numerous permanent City boards and commissions. In addition, task forces or committees are created for a specific purpose and a specific life span. Boards and commissions involve interested citizens in city government and allow the City Council to obtain vital advice from specific constituencies. While the Mayor and Council are not obligated nor bound by advisory recommendations made by boards and commissions, such recommendations are often influential on council deliberations and decisions. The City Council has the authority to remove any member of a board or commission unless restrained by state statute or the City Charter. The establishment by ordinance or resolution of a board or commission is generally at the discretion of the City Council. However, some boards and commissions have been established as the result of federal law, state law, city charter and mutual agreement with other governmental entities. The duties, responsibilities or function of a board or commission are set forth in the ordinance creating the board or commission. Only by formal vote of the City Council may the duties, responsibilities or function of a board or commission be changed. Boards and commissions have no independent status; therefore, they are limited by their creating authority and have no authority to contract, raise funds, or take other actions which would require independent status. Council appointed boards and commissions working directly with the Parks and Recreation Department include: the Urban Forestry Board, the Austin Arts Commission, the Renaissance Market Commission, the Mexican-American Cultural Center Task Force, and the Parks and Recreation Board (see below).

**6. ROLE OF PARKS AND RECREATION BOARD** - By City Council ordinance ('81 Code, 10-4-24), "The Parks and Recreation Board shall act generally in an advisory capacity to the City Council and the City Manager, in the acquisition, development, improvement, equipment and maintenance of all parks and public playgrounds owned or controlled by the City within and without the city limits. It shall be the duty of the Board subject to such organization and activities set up as the Board may itself determine, within its own organization, to advise the City Manager and City Council concerning the future development of the public parks, playgrounds and recreational facilities of the City, to study and recommend the purchase of additional land and sites therefore, and further to advise the City Council concerning improvements in the maintenance, operation and general welfare of the public parks, playgrounds and recreational facilities and the use of the same by the public."

**7. ROLE OF PARK ADVISORY ASSOCIATIONS** - advisory associations are groups of interested citizens who have volunteered to support specific facilities and programs of the Parks and Recreation Department. Generally, advisory boards, refers to the Board of Directors of these associations. As volunteer groups, the role of these associations is "advisory/support only" and should not be confused with the "sovereign" authority of City Council or the day to day operational responsibilities of the City Manager and the Parks and Recreation Department. Advisory associations, in cooperation with the Department Director, within policies, programs and goals of the Department; and in full compliance with the City Charter/Ordinances, State legislation, and Federal laws; may strive to (1.) raise funds for specific projects and needs, (2.) develop a volunteer base, and (3.) provide a mechanism for community input and advocacy on Department policies, facilities, and programs. "Officially Recognized" advisory associations (see #12, Guidelines) may be considered by the Department Director to be the lead volunteer organization for facilities and/or programs, but they shall not prevent the Department Director from accepting assistance and advice from other groups. The advisory association shall strive to keep the Department and the Parks Board up to date on their opinions and recommendations on facilities and programs and shall keep informed on current Department and Parks Board issues and activities. The advisory association shall conform to

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\*From an Orientation Handbook for Board, Commission, Committee and Task Force Members adopted by Austin City Council on May 23, 1991.

and abide by these Guidelines and By-Laws, as minimum standards for its structure and activities. Any additional function must be approved by the Department Director.

**8. RELATIONSHIP TO STAFF** - The Director of Parks and Recreation shall appoint a staff liaison to work with both Council appointed Boards and Commissions and "Officially Recognized" advisory associations (see #12, Guidelines). For an advisory association to function effectively, there must be a good working relationship with the staff of the Parks and Recreation Department. The role of the staff liaison, generally, shall be to keep the advisory association informed on current issues and activities of the Parks and Recreation Department and to provide other necessary advice, as approved by the Department, and information (if extensive preparation is required, this will need approval by the Division Manager). It is important for advisory association members to understand that the City staff operate under the direction of the City Manager, are engaged in service delivery on a day to day basis, and shall not be expected to undertake association duties.

**9. ASSOCIATION, NON-PROFIT, OR TAX EXEMPT STATUS** - All advisory associations shall have the option to operate as informal groups, nonprofit corporations registered with the Texas Secretary of State, and/or tax exempt organizations under Section 501 (c)(3) of the Internal Revenue Code. All advisory associations, whether informal or tax exempt corporations, shall abide by these guidelines and by-laws. If an advisory association is soliciting funds for major campaigns (ie. over \$5,000), it will be required to file for 501 (c)(3) status or be co-sponsored for the campaign by the City or an existing 501 (c)(3) tax exempt, non-profit society.

**10. NUMBER OF GROUPS PER FACILITY** - for simplicity of organizational structure and efficiency of staff time, each facility or major program will have only one advisory association that is "Officially Recognized" by the Parks and Recreation Department. "Officially Recognized" advisory associations (see #12, Guidelines) will be considered by the Department Director to be the lead and/or umbrella volunteer organization for a specific facility and/or program, but they shall not prevent the Department Director from accepting assistance and advice from other groups.

**11. CONSTITUTION** - to coordinate a unified direction of Parks and Recreation facilities and programs, the Constitution (the mission, principles, and objectives) shall be developed through the participation, cooperation, and mutual agreement between members of the Board of Directors and designated Parks and Recreation Department staff. In order that the advisory association's goals and objectives are compatible with the Department's facility/program goals and objectives, the mission statement, principles, and objectives shall be approved by the Department Director.

**12. BY-LAWS** - these guidelines and by-laws have been established as minimum standards for advisory associations and boards. These guidelines have been created so that the Parks and Recreation Department can maintain a consistent and uniform approach to their working relationships with all "Officially Recognized" advisory associations. To be "Officially Recognized" advisory associations will enter into letters of understanding with the Director of the Parks and Recreation Department agreeing to conform to and abide by these guidelines and by-laws, as minimum standards for its structure and activities. Non-compliance with these guidelines and by-laws shall be cause for termination of the association's "Officially Recognized" status with the Parks and Recreation Department.



## CONSTITUTION

(Set forth the Mission statement - we do what for whom - and purpose of the association. To be prepared in cooperation with designated Parks and Recreation facility or program staff and approved by the Department Director.)

### BY-LAWS FOR ADVISORY ASSOCIATIONS

#### MEMBERSHIP

1. **GENERAL** - The membership of an advisory association shall always be subject to an open and democratic process. The members of the advisory association shall be Austin residents, resident organizations, and honorary non-residents (see 2. below) who are subscribers of the Constitution and By-Laws of this advisory association, and those persons and organizations who register as annual members of the advisory association. If applicable, membership shall be subject to the payment of annual membership fees.
2. **CLASSES** - The members of the advisory association shall be divided into at least the following classes:
  - a. Individual - one person;
  - b. Group - societies, corporations, guilds, cooperatives, clubs, and other organizations of five or more persons;
  - c. Associate - an honorary non-resident who shall have none of the obligations of membership in the advisory association, but shall be entitled to all of the privileges except those of making motions, of voting, and of holding office.
3. **FEES** - Annual fees are optional. Fees (if any) for all classes of membership in the association shall be determined from time to time by the board of the advisory association. Annual fees that exceed \$5 for individual and \$10 for group membership shall be approved by the Director of the Department. Any established annual fees should set forth dates payable, the time and prescribed procedure for notifying members if they become delinquent in payment.
4. **CESSATION** - An individual or association shall cease to be a member of the advisory association:
  - a. by delivering his resignation in writing to the secretary of the association or by mailing or delivering it to the address of the association, or
  - b. on his death or in the case of a group, on its dissolution;
  - c. on being expelled;
  - d. on not being registered annually;
  - e. on the expiration of term for membership fees, if applicable.
5. **REMOVAL** - any member may be removed, with cause, by a special resolution of the members passed by a vote of two-thirds of those present at a general meeting. A fourteen (14) day written notice of the special resolution for removal shall be accompanied by a brief statement of the reason or reasons for the proposed removal. The individual or organization who is the subject of the proposed resolution for removal shall be given the opportunity to be heard (30 minute time limit) at the general meeting before the special resolution is put to a vote. Any member removed in this manner will not be eligible for membership again for a period of two years from the date of the removal.



## BOARD MEMBERS

1. **POWERS** - subject to the limitations imposed by laws, any Articles of Incorporation, or by these by-laws, all advisory association powers shall be exercised by or under the authority of the board members, and the business and affairs of the advisory association shall be controlled by the board members. The board shall be subject to the orders of the general membership of the advisory association, and none of its acts shall conflict with actions by the general membership.
2. **MEMBERSHIP** - the number of board members shall be an odd number of no less than five and no more than fifteen. There should be an attempt in the composition of the board to balance ethnicity, gender, age, and special needs participation. Members of the board shall not serve as a voting member on more than one PARD advisory association board or Council-appointed Board or Commission at any one time, unless approved by the Department Director. This shall not prohibit advisory association board members from being members of other advisory associations or from serving as their volunteers.
3. **ELECTION** - the board members shall be elected at the annual general meeting of the society by a majority vote of the association members present at the meeting.
4. **TERM** - The term for a board member shall be two years, except where elections require the staggering of terms, and then, one half of the board members shall be elected for a one year term. A board member may serve a maximum of three-two year terms. A board member may continue to serve after three-two year terms if their election is approved by a two-thirds vote at the annual general meeting.
5. **RESIGNATION** - any board member may resign by giving written notice to the Chair of the advisory association or shall send his/her resignation to the address of the advisory association.
6. **REMOVAL** - any board member may be removed, with cause, by special resolution passed by a vote of two-thirds of the number of board members present at any board meeting at which a quorum is present. A fourteen (14) day written notice of the special resolution for removal shall be accompanied by a brief statement of the reason or reasons for the proposed removal. The board member who is the subject of the proposed resolution for expulsion shall be given the opportunity to be heard (30 minute time limit) at the meeting before the special resolution is put to a vote. Any board member removed in this manner will not be eligible for general or board membership for a period of two years from the date of the removal.
7. **ABSENCE** - any member who misses three consecutive regular meetings or misses one-third of all regular meetings in a twelve month time period, shall be ineligible to continue serving and his or her vacancy shall be filled by majority vote of the board members serving in office.
8. **VACANCIES** - vacancies in the board, however arising, shall be filled by a majority vote of the board present at any regular or special meeting of the board at which a quorum is present.
9. **NOMINATING** - at least four weeks prior to the annual general meeting, the board members may appoint a nominating committee. The nominating committee may prepare a slate of board members for the ensuing year and may report the same at the annual general meeting. Nominations may be made from the floor at the annual general meeting, and when properly seconded, such names may be added to those recommended by the nominating committee.

**10. STAFF** - The Director of the Parks and Recreation Department and/or his/her designee shall be an ex-officio participating member of the board. Parks and Recreation Department employees (permanent, temporary, contract) may not serve as voting members of the board, unless approved by the Department Director. Employees of the Parks and Recreation Department may participate on subcommittees with the approval of Department Director and/or appropriate Division Manager.

## **OFFICERS**

**1. OFFICES** - The officers of the advisory association shall be members of the board. The officers shall be a Chair, Vice-Chair, Secretary, and Treasurer.

**2. ELECTION** - The officers of the advisory association shall be elected by a majority vote at the first regular meeting of the board held after the annual general meeting. Two weeks before the first regular meeting of the board and after the annual general meeting, the nominating committee shall meet to prepare a slate of officers for the new year.

**3. TERM** - officers shall serve for a one year term or until their successors are elected. No member shall hold more than one office at a time. No officer shall serve more than three consecutive one year terms in the same office.

**4. REMOVAL** - any officer may be removed, with cause, by special resolution at any board meeting at which a quorum is present. The resolution must be passed by a vote of two-thirds of the number of board members present at the meeting. A fourteen (14) day written notice of the special resolution for removal shall be accompanied by a brief statement of the reason or reasons for the proposed removal. The officer who is the subject of the proposed resolution for expulsion shall be given the opportunity to be heard (30 minute time limit) at the meeting before the special resolution is put to a vote. Any board member removed in this manner will not be eligible for general or board membership again for a period of two years from the date of the removal.

**5. RESIGNATION** - shall be submitted in writing to the Chair of the association, or if the Chair is resigning, the Secretary.

**6. VACANCIES** - Vacancies among the officers, however arising, shall be filled by a majority vote of the board members present at any regular or special meeting of the board at which a quorum is present. The list of nominations for officer positions, recommended by the nominating committee, shall be included with the notice of the meeting at which the election is proposed.

**7. AUTHORITY** - the officers of the board shall have such authority, and perform such duties as are provided by these by-laws, or as the board may from time to time determine.

**8. ABSENCE** - If neither the Chair nor the Vice-Chair is present, the Secretary - or in the Secretary's absence some other member - should call the meeting to order, and the assembly should immediately elect a chair pro-tem to preside during that session. Such office is terminated by the entrance of the Chair or Vice-Chair.

9. **CHAIR** - shall perform the following duties:
- Prepare agendas and preside at all meetings of the advisory association and of their board;
  - Act as the chief executive officer of the association and shall supervise the other board members in the execution of their duties;
  - Appoint the chairs of standing and special committees;
  - Be an ex-officio voting member of all committees;
  - Exercise his/her vote only in the case of a tie.
10. **VICE-CHAIR** - shall perform the following duties:
- In the case of the absence of the Chair, carry-out his/her duties;
  - Generally, assist the Chair;
  - Have such other powers and perform such other duties as may from time to time be designated by the Chair;
11. **TREASURER** - shall perform the following duties:
- Keep accurate and adequate financial records (including bank accounts, books of account, and records of assets, liabilities, and transactions of the advisory association) necessary to comply with these by-laws, and if applicable, Internal Revenue Service reports (7 years records required);
  - When necessary, collect and disburse funds of the advisory association;
  - Deposit all monies and other valuable effects of the advisory association in the name of and to the credit of the advisory association in such banks, credit unions, or other financial institutions as may be designated from time to time by the board.
  - Render financial statements to the board members, association members and others when required;
12. **SECRETARY** - shall perform the following duties:
- Keep the minutes of all meetings (short form: focus on action items, only note discussion) and distribute the same promptly to all members of the board
  - Issue notices of all meetings of the board and advisory association and other notices that are required by these By-Laws. Notices including the meeting agenda must be posted at the regular site of the facility or program at least 24 hours in advance of the meeting;
  - Keep in good order all files, records, and documents of the advisory association (records up to 5 years old should be kept), except those required to be kept by the Treasurer;
  - Handle mail and correspondences of advisory association;
  - If applicable, have custody of the seal of the association and shall affix and attest the seal to any and all documents authorized by the board.



## COMMITTEES:

1. **DESIGNATION/APPOINTMENT** - The board may appoint committees and delegate to those committees any of the powers and authority of the board in the management of the business and affairs of the association except the power to adopt, amend, and repeal By-laws, which shall remain exclusively vested in the board.
2. **MEMBERSHIP** - The Chair shall appoint the chair of each committee from the membership of the board. The Chair shall appoint the other committee members in consultation with the committee chair and appropriate staff. Each committee shall consist of at least three members, at least one of whom shall be a voting member of the board. The Director of the Parks and Recreation Department and/or his designee shall be an ex-officio participating member of each board committee.
3. **EXECUTIVE COMMITTEE** - The executive committee shall consist of the officers of the board and the immediate past Chair. The Chair of the board shall serve as the committee chair. The executive committee shall, during intervals between meetings of the board, exercise all the powers of the board in the management of the business and affairs of the association, except as otherwise provided by law, these By-laws, or by resolution of the board. The presence of a majority of the members of the executive committee shall constitute a quorum. The committee shall keep full and fair records and accounts of its proceedings and transactions. The minutes of the executive committee shall be distributed to all members of the board. All actions by the committee shall be reported to the board at its next meeting.
4. **COMMITTEE MEETINGS** - unless otherwise provided for in these By-laws, a majority of the members then serving on a committee constitutes a quorum for the meeting of the committee and the vote of a simple majority of those present at a meeting at which a quorum is present constitutes an action of the committee. Each committee shall determine and schedule the number of regular meetings it will hold each year.

## MEETINGS

1. **ANNUAL GENERAL MEETING** - There shall be at least one general membership meeting each fiscal year designated as the annual general meeting. The annual general meeting will be held in October at a time and place set by the board. Association members will be notified in writing no less than ten (10) and no more than thirty (30) days prior to the meeting. The annual general meeting shall be for the purpose of electing the board, receiving annual performance reports and annual committee reports, including the Treasurer's report and Chair's report, and for any other business that should be brought to the attention of the general membership. Annual reports shall include all major accomplishments of the association in the previous fiscal year including: activities held, funds raised, and the number of youth, adults, and seniors served by the programs. The quorum shall be those members present at the meeting and at least two members of the Board of Directors. The Secretary shall check for members in good standing at the door of the Annual General Meeting and shall issue voting cards to identify members eligible to vote. The new list of board members and a copy of the annual report shall be forwarded to the Department Director within two weeks of the annual general meeting.
2. **SPECIAL MEETINGS** - special meetings of the general membership and/or the board for any purpose shall be called at any time by the Chair, or if the Chair is absent, or unable, or refuses to act, by the Vice-Chair, or by a majority of the board members. Notice (written, telephone, or other electronic

communications system) of the purpose, time and place of the special meetings shall be given at least 72 hours in advance.

**3. REGULAR MEETINGS** - Meetings of the board shall be held at least quarterly and additional meetings may be held on the call of the Chair. The calendar year of the regular meetings shall be set at the first meeting of the board after the Annual General Meeting.

**4. QUORUM** - A majority of the board members currently serving in office shall constitute a quorum for all meetings, except the Annual General Meeting. In the absence of a quorum, a majority of the board members present may, without giving notice other than announcement at the meeting, adjourn the meeting from time to time until a quorum is present. If at any time during a meeting there ceases to be a quorum present, business then in progress shall be suspended until there is a quorum present.

**5. VOTING** - At Annual General and Special meetings of the association membership each member in good standing, of whatever class, shall be entitled to one (1) vote, which must be cast in person. A group member in good standing whose authorized representative is present at a meeting of members is entitled to one (1) vote. At regular or special meetings of the board each board member shall be entitled to one (1) vote, which must be cast in person. The Chair protects his impartial position by exercising his voting right only when his vote is necessary to break a tie.

**6. PROCEDURES FOR MEETINGS** - All meetings of the board and general membership shall be conducted in accordance with recognized rules of Parliamentary procedure as set out in Roberts Rules of Order.

**7. OPEN MEETINGS** - All meetings of the association membership or the board shall be open to attendance by the public, except meetings where confidential matters regarding personnel of the advisory association are being undertaken, or confidential real estate transactions are being discussed or acted on.

## **FINANCIAL PROCEDURES**

1. **FISCAL YEAR** - the fiscal year of the advisory association shall be the City of Austin's fiscal year, October 1st through September 30th of the following year.
2. **FINANCIAL REPORTS** - within 60 days of the end of the fiscal year, an income statement (income and expenses) and balance sheet shall be prepared for that fiscal year. At the next scheduled general meeting this report shall be presented to the board and circulated to the association membership and the Parks and Recreation Department (Director and designee) by the Secretary. Interim financial reports shall be presented at each meeting of the board by the Treasurer. All copies of financial reports shall be copies to the Parks and Recreation Department (Director and designee).
3. **TYPE OF REPORTS** - financial reports shall have the following type of review depending on the size of the annual budget of the association:
  - a. Under \$15,000 - financial statements shall be prepared, reviewed, and signed by an audit committee consisting of the Treasurer and two other members of the board.
  - b. Over \$15,000 and under \$30,000 - financial statements must be prepared (compiled) by a Certified Public Accountant.
  - c. Over \$30,000 and under \$50,000 - financial statements must be reviewed by a Certified Public Accountant.
  - d. Over \$50,000 - financial statements must be audited annually by a Certified Public Accountant.
4. **CONTRACTS** - The board, except as otherwise provided in the By-Laws, may authorize any officer or officers, agent or agents, to enter into any contract or execute any instrument in the name of, or on behalf of, the advisory association, and such authority may be general or confined to specific instances, and unless so authorized by the board, no officer, agent or employee shall have the power to bind the advisory association to any contract or engagement, or to pledge its credit, or to render it liable for any purpose, or to any amount.
5. **CHECKS AND DRAFTS** - All checks, drafts or other orders for payment of money, notes or other evidences of indebtedness, issued in the name of or payable on behalf of the advisory association shall be signed or endorsed by the Treasurer or President, and an additional person or persons as the Board may appoint by resolution.
6. **INSPECTION OF CORPORATE RECORDS** - All financial records and minutes of proceedings of the membership shall be considered open records, and shall be made available for inspection by anyone at any reasonable time.
7. **PROPOSED BUDGET** - a proposed, annual budget of the advisory association will be prepared by August 31st, approved by the board by the end of September, and presented to the general membership at the annual general meeting in October. The budget shall be prepared by the Treasurer with the assistance from the Executive Committee and the designee of Director of the Parks and Recreation Department. Copies of proposed budget shall be forwarded to the Director of the Parks and Recreation Department within two weeks from the date they are approved by the board.



**8. FUNDS** - Funds raised by the advisory association shall be for the purpose of supporting the specific facility/program. Fund-raising for the support of the facility/program shall be approved in advance by the Director of Parks and Recreation or his/her designee, and shall be covered by a solicitation permit. At no time may the name of the Parks and Recreation Department, its facilities, or its programs be used for fund-raising purposes without the official approval of the Director Parks and Recreation Department or his/her designee. The advisory association will not hold in its general account or account funds in an amount in excess of those required for normal operations up to a maximum of \$12,000, unless the Director of PARD authorizes in writing creation of a special fund to be maintained for a particular purpose connected with the development of the facility/program or the creation of an account to be maintained as endowment fund for the advisory association.

**9. GRANTS** - all grant applications for the support of the facility/program shall be approved in advance by the Director of Parks and Recreation or his/her designee. At no time may the name of the Parks and Recreation Department, its facilities, or its programs be used for applying for grants without the official approval of the Director Parks and Recreation Department or his/her designee (approval forms for grant applications are available from Department Program Managers).

**10. LOANS** - this advisory association shall not make any loan of money or property to guarantee the obligation of any board member, officer, or employee.

**11. DONATED ASSETS** - any property, equipment, or other assets acquired for the purposes of a Parks and Recreation facility or program shall become City property, and shall be recognized as part of the inventory of the said facility or program.

**12. ASSOCIATION FILES AND ASSETS** - the first priority for space at all Department facilities shall be the delivery of services and programs by the Department for the citizens of Austin. All other allocation of space for association storage, files, offices, etc., will be subject to availability and must be approved by the Department Director. Advisory association funds or other valuables shall not be kept or stored on City property. The City of Austin and the Department will not be responsible and/or liable for any advisory association files, office equipment, materials, or other asset that are for the sole use of the advisory association and stored/housed on City property.

**13. DISSOLUTION** - Upon dissolution of the advisory association, the board members, shall, after paying or making provision for the payment of all liabilities of the advisory association disburse all of the assets of the advisory association to the appropriate facility or program of the Parks and Recreation Department, City of Austin.

## ETHICS

1. **PUBLIC SERVICE** - Advisory associations are in essence quasi public organizations that are grounded in the tradition of public service. Public service requires that association members and board members be independent, impartial, and responsible to the people they serve.
2. **CONFLICT OF INTEREST** - where conflicts of interest arise - actual, potential, or perceived - the duty of loyalty must never be compromised. No individual may use his or her position in the advisory association for personal gain or to benefit another at the expense of the organization, its mission, its reputation, and the members it serves. A member of the board of an advisory association may not participate in a vote or decision regarding a person, entity, or property in which the board member has a substantial interest. The member of the board shall disclose the existence of any potential conflict of interest and shall remove himself from the room where the discussion is taking place, so as not to participate in the discussion or voting. No member of the board shall be a supplier of a product or service to the advisory association (except in the case of donations) or shall enter into a contract with the advisory association.
3. **STANDARDS OF CONDUCT** - for board members shall be as follows:
  - 3.1 No board member or authorized representative of the advisory association shall transact any business in his/her official capacity with any business entity in which he/she has any interest, direct or indirect;
  - 3.2.1 A board member should not represent himself as speaking for the entire board unless he/she has a resolution duly adopted by the majority of the board;
  - 3.2.2 No board member shall appear before the body of which he/she is a member while acting as an advocate for himself or any other person, group or entity;
  - 3.3 No board member shall represent any private person, group or entity in any action or proceeding in the municipal courts of the City which was instituted by or arising from a decision of an advisory association, committee, task force or other body on which the member serves;
  - 3.4 No board member shall accept or solicit any gift, favor, or promise of future employment that might reasonably tend to influence that individual in the discharge of official duties or that the official or employee knows or should know has been offered with the intent to influence or reward official conduct.
  - 3.5.1 No board member shall solicit or accept remuneration for their services as a board member;
  - 3.5.2 If a board member accepts employment with the Parks and Recreation Department, the member will immediately resign his position on the board;
  - 3.6 No board member shall use the advisory association's or the City's facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public;
  - 3.7 The advisory association or its representatives shall not hire and remunerate Parks and Recreation personnel for services, unless specifically approved in writing by the Director of Parks and Recreation.

## OTHER

1. **USE OF NAME** - if the name of this advisory association utilizes the name of a Parks and Recreation facility or program, said name shall be approved by the Director of the Parks and Recreation Department. Existing advisory associations can continue to utilize their current name. Newly created advisory associations shall include the prefix of "Friends of . . ." or suffix of ". . . Advisory Association or Advisory Board" in the name of their organization.
2. **PROMOTIONAL MATERIAL** - any material for public or membership distribution must be approved by the staff designee of the Director of the Parks and Recreation Department.
3. **LIABILITY INSURANCE** - City facilities leased to an association, all events with an estimated attendance of over 300 or those that involve running, biking or walking, and those events where alcohol is consumed where a fee is paid by the drink or as part of an admission fee or donation to gain admission are required to purchase a General Liability Insurance policy in the amount of \$500,000 naming the City of Austin as an additional insured. The Parks and Recreation Department may require additional insurance because of the type of facility or event. A copy of the policy must be submitted to the Department fifteen (15) days prior to the event or anniversary date of the facility lease.
4. **EVENTS** - all events of the association will follow the Parks and Recreation Department's Special Events Policy. Prior to each and all events, the association must notify the Department of events and have approval from all Divisions of the Department affected by the event. A "PARD Facilitated Event" (formerly co-sponsored event) is a public event which supports the Department's mission and which is implemented and promoted by an "Officially Recognized" advisory association or community group with the assistance of the Parks and Recreation Department. Generally, the Parks and Recreation Department is actively involved in planning for and executing these event. A list of facilitated events will be prepared prior to the fiscal year start on October 1. Associations wishing to hold an event in this category must apply in writing to the Director, Parks and Recreation Dept., for approval prior to October 1 of the fiscal year in which the event will be held. All other events will be treated as a "Rental Event (non-PARD)", which is a public or private event that is totally implemented and promoted by a private individual or organization, although it is subject to the laws, regulations, policies (ie. PARD - Special Events Policy), and ordinances of the Department, City, and/or State.
5. **EMPLOYEES** - all persons engaged in Parks and Recreation Department daily operations or who control Parks Department funds, assets, employees or programs, shall be City of Austin employees. Under some circumstances, the compensation of such employees may be funded by this association's allocations, but these positions must be approved by letter of agreement with the Director of Parks & Recreation Dept. and funds must be provided in advance and held in a Parks Department Trust and Agency account designated for this purpose.
6. **PLANNING** - to coordinate a unified direction for Parks and Recreation facilities and programs - the missions, objectives, and plans (annual, 3-year, and long-range) shall be developed with the participation, cooperation, and mutual agreement between members of the board and the designated Parks and Recreation Department staff. The direction of the facility or program and its goals and objectives will be subject to the approval of the Director of the Parks and Recreation Department and/or the appropriate Division Manager.



**7. TERMINATION** - Any advisory association not operating in compliance with its Constitution or these By-Laws will be subject to review by a Parks and Recreation Sunset Committee. This committee will be comprised of three members of the Parks and Recreation Board, appointed by the Chair of the Parks and Recreation Board, and three members of the Parks and Recreation Department, appointed by the Director of the Parks and Recreation Department. This committee can be called together at any time by the Director of the Parks and Recreation Department. The committee can, at its discretion, set hearings and time limits to review the circumstances to be considered. Any advisory association under review will be given two weeks notification of their hearing and will be given the opportunity to speak before the committee. The committee will make its recommendation (majority vote) to the Director of the Parks and Recreation Department. The Director of Parks and Recreation has the right to terminate at any time the letter of understanding with the advisory association, thereby, removing the "Officially Recognized" status of the association. Notice of this termination shall be in writing.

**ADVBD4.WPS 7-17-95**

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